

See the motion

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVIDSON WELL DRILLING, LTD., :

Plaintiff(s), :

-against- :

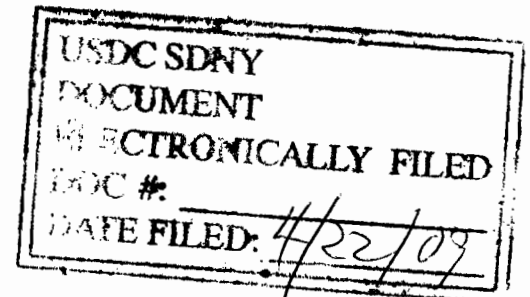
BRISTOL-MYERS SQUIBB COMPANY and BMS
HOLDINGS PHARMA LTD. LIABILITY
COMPANY, :

Defendant(s), :

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09 Civ. 1431(SAS)

**ORDER CONCERNING
BRIEFING SCHEDULE**



WHEREAS, an initial pretrial conference was held in this action on Wednesday, April 15, 2009 during which the Court set a schedule for briefing on the issues of subject matter jurisdiction and failure to join an indispensable party;

NOW, THEREFORE, it is hereby ORDERED, that:

1. Defendant Bristol-Myers Squibb Company ("BMS") shall file a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(7) and 19 of the Federal Rules of Civil Procedure (the "Motion") by **May 6, 2009**.
2. Plaintiff Davidson Well Drilling, Ltd. shall serve its brief in opposition to the Motion by **May 27, 2009**.
3. BMS shall serve its reply brief in further support of the Motion by **June 12, 2009**.
4. BMS's time to answer, move or otherwise respond to the complaint in this action is hereby stayed pending a ruling by this Court on BMS's Motion.
5. BMS's ability to assert any other defense(s) available under Fed R. Civ. P. 12(b) by means of a subsequent motion brought pursuant to that Rule, shall not be impaired by virtue of BMS's making of a Motion pursuant to Fed R. Civ. P. 12(b)(1), 12(b)(7) and 19.

SO ORDERED.

Dated: April 22, 2009

HON. SHIRA A. SCHEINDLIN, U.S.D.J.

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April 21, 2009

BY FACSIMILE

The Honorable Shira A. Scheindlin
United States District Judge
United States Courthouse
500 Pearl Street, Courtroom 15C
New York, New York 10007

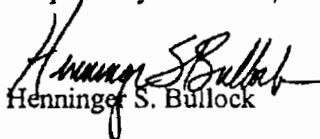
Re: *Davidson Well Drilling, Ltd. v. Bristol-Myers
Squibb Co., et ano.*, No. 09 Civ. 1431 (SAS)

Dear Judge Scheindlin:

We represent defendants Bristol-Myers Squibb Co. ("BMS") and BMS Holdings Pharma Ltd. Liability Company in the above-captioned matter. As per the Court's suggestion at the April 15, 2009 conference, we are submitting a proposed order that memorializes the parties' briefing schedule on defendant BMS's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(7) and 19, a copy of which is enclosed. In addition, this proposed order memorializes the Court's comment that BMS need not assert any other defense permitted by Rule 12 or serve its answer until after the Court has ruled on BMS's motion.

The proposed order will be forthcoming from the orders and judgments clerk. If this proposed order meets with the Court's approval, we respectfully request that it be so-ordered. We thank the Court for its consideration in this matter.

Respectfully submitted,


Henninger S. Bullock

Encl.

cc: Edward Sheats, Esq. (*by email*)
Andrew Saulitis, Esq. (*by email*)